

Applicant further affirms the provisional election of the species of Figure 3. Nonelected claims 91-93 are hereby cancelled without prejudice or disclaimer. Applicant reserves the right to later file continuations or divisions of such claims, and to request the reintroduction of these claims should a generic claim be found allowable.

*§102 Rejection of the Claims*

Claim 90 was rejected under 35 U.S.C. § 102(e) as allegedly anticipated by Green II et al. (U.S. Patent No. 6,290,644). Applicant traverses. Applicant can find no teaching or suggestion in Green II et al. of "a base, sized and shaped to be secured about a burr hole in a skull, and, coupled to the base, a stabilizer to engage the instrument inserted through the burr hole, the stabilizer including a movable member to define an opening sized and shaped to immobilize the instrument with respect to the burr hole," as presently recited in Claim 90. Accordingly, Applicant respectfully requests withdrawal of this basis of rejection.

As an additional note, Applicant does not admit that the cited references are prior art and reserves the right to "swear behind" each of the cited references as provided for under 37 C.F.R. 1.131. Moreover, Applicant respectfully submits that Claim 90 is generic to Figures 3, 33, and 34.

*New Claims*

Applicant has submitted new claims 94-115 to more particularly point out and distinctly claim certain aspects of the invention. Applicant respectfully submits that these claims read on the elected species of Figure 3, and that certain of these claims are generic to Figures 3, 33, and 34. Applicant further respectfully submits that these claims are patentably distinct over the cited references. Accordingly, Applicant respectfully requests allowance of these claims.

A

Conclusion

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (612-373-6951) to facilitate prosecution of this application.


If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

JAMES G. SKAKOON ET AL.

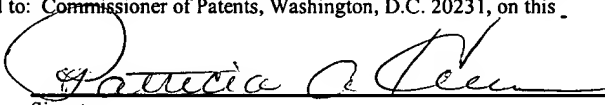
By their Representatives,

SCHWEGMAN, LUNDBERG, WOESSNER & KLUTH, P.A.  
P.O. Box 2938  
Minneapolis, MN 55402  
(612) 373-6951

Date Sept. 19, 2002 By   
Suneel Arora  
Reg. No. 42,267

CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on this 19th day of September, 2002.

PATRICIA A. HULTMAN  
Name

  
Signature

A

**Clean Version of Pending Claims**

**DEEP ORGAN ACCESS DEVICE AND METHOD**

Applicant: James G. Skakoon et al.

Serial No.: 09/828,451

a1 1 90. (Amended) A device for immobilizing a primary instrument, including:  
a base, sized and shaped to be secured about a burr hole in a skull; and  
coupled to the base, a stabilizer to engage the instrument inserted through the burr hole,  
the stabilizer including a movable member to define an opening sized and shaped to immobilize  
the instrument with respect to the burr hole.

Rule 126 2 93 94. (New) The device of claim 90, in which the base comprises a ring defining an access  
lumen concentric to the burr hole.

3 94 95. (New) The device of claim 94, in which the base further comprises a lip, extending  
circumferentially about the access lumen, the lip sized and shaped to receive and support at least  
a portion of the stabilizer.

4 95 96. (New) The device of claim 95, in which the stabilizer includes a disk, sized and shaped to  
fit within the base and to be received and supported by the lip, the disk covering at least a portion  
of the access lumen.

5 96 97. (New) The device of claim 96, in which the movable member includes a hinged member.

6 97 98. (New) The device of claim 97, in which the hinged member includes a cam that is  
hingedly coupled to the disk.

7 98 99. (New) The device of claim 94, in which the base comprises an exit groove extending

outward from the access lumen, the exit groove sized and shaped to receive at least a portion of the instrument therein to permit the instrument to exit the base.

8 99  
100. (New) The device of claim 90, in which the base comprises at least one receptacle sized and shaped to receive a mating portion of a cap sized and shaped to substantially cover the access lumen.

Rule 126 9 100  
101. (New) The device of claim 90, in which the stabilizer includes a disk, sized and shaped to cover at least a portion of the burr hole, and wherein the movable member includes:

a hinge, coupling the movable member to the disk; and  
a catch, engaging the disk to secure the movable member in a closed position to substantially immobilize the instrument.

10 101  
9 100  
102. (New) The device of claim 101, in which the movable member includes an engagement sized and shaped to receive a tool for moving the movable member to the closed position.

A2 102  
103. (New) The device of claim 90, further including a cap sized and shaped to engage the base and substantially cover the burr hole.

10 103  
104. (New) A device for immobilizing a primary instrument, comprising:  
a ring-shaped base, defining an access lumen therethrough; and  
a stabilizer, sized and shaped to be supported within the access lumen, the stabilizer including:

a disk, including a radial slot; and  
a movable member, hingedly coupled to the disk to adjustably overlay a portion of the radial slot to clamp the instrument within the radial slot.

13 ~~104~~ 17 ~~105~~  
105. (New) The device of claim ~~104~~, in which the movable member includes a catch that engages the disk to restrict movement between the movable member and the disk to clamp the instrument.

14 ~~105~~ 17 ~~105~~  
106. (New) The device of claim ~~104~~, in which the disk is 360-degree rotatable within the access lumen to orient the radial slot such that the instrument is capable of being clamped within the radial slot at any desired location within the access lumen.

15 ~~106~~ 12 ~~103~~  
107. (New) The device of claim ~~104~~, in which the base includes an exit groove extending radially outward from the access lumen, the exit groove sized and shaped to receive a portion of the instrument.

16 ~~107~~  
108. (New) A device comprising:  
a ring-shaped base, sized and shaped to be secured about a burr hole in a skull, the base defining an access lumen therethrough that is concentric to the burr hole, the base including a lip circumferentially surrounding the access lumen, the base further including an exit groove extending outward from the access lumen, the exit groove sized and shaped to receive the electrode therethrough; and

a2  
an electrode stabilizer, sized and shaped to be supported on the lip and carried within the access lumen, the stabilizer including:

a rotatable disk, including a radial slot; and

a movable member, hingedly coupled to the disk to adjustably overlay a portion of the radial slot, the movable member including a catch fixing a position of the movable member with respect to the disk to clamp the electrode within the radial slot.

17 ~~108~~  
109. (New) A device comprising:  
a ring-shaped base, sized and shaped to be secured about a burr hole in a skull, the base

defining an access lumen therethrough that is concentric to the burr hole;

means, supported by the base and carried within the access lumen, for securing an instrument extending through the access lumen and the burr hole; and

a cap, couplable to the base, the cap sized and shaped to cover the access lumen.

*18/10/09*  
*17/08*  
110. (New) The device of claim 109, in which one of the base and the cap includes at least one receptacle and the other of the base and the cap includes at least one snap-fit leg mating to the at least one receptacle.

*Rule 120*  
*19/11/0*  
*18/10/09*  
111. (New) The device of claim 110, in which the cap includes at least one exit groove that is configured to align with at least one other exit groove in the base.

*20/11/0*  
112. (New) A device comprising:  
a ring-shaped base, defining an access lumen therethrough, the base including a lip circumferentially surrounding the access lumen;  
an stabilizer, sized and shaped to be supported on the lip and carried within the access lumen, the stabilizer including:

a disk, including a radial slot; and

*92*  
a movable member, hingedly coupled to the disk to adjustably overlay a portion of the radial slot, the movable member including a catch fixing a position of the movable member with respect to the disk.

*21/11/0*  
113. (New) A device for immobilizing a primary instrument, the device comprising:  
a base, sized and shaped to be secured about a burr hole opening in a skull, the burr hole opening in the skull defining at an external surface of the skull a burr hole plane, the base including a lateral stabilizer oriented to grasp and immobilize a portion of the instrument passing substantially parallel to the burr hole plane; and

coupled to the base, a vertical stabilizer to engage the instrument inserted through the burr hole, the vertical stabilizer oriented to grasp and immobilize a portion of the instrument passing substantially perpendicularly to the burr hole plane.

*22 113*  
*21 112*  
*114* (New) The device of claim 113, in which the lateral stabilizer includes a groove formed in the base.

*23 114*  
*22 113*  
*115* (New) The device of claim 114, in which the vertical stabilizer includes a movable clamp, the movable clamp capable of motion, in a plane that is substantially parallel to the burr hole plane, providing an adjustably-sized opening that, in an open position, permits the portion of the instrument passing substantially perpendicularly to the burr hole plane to pass freely through the adjustably-sized opening, and, in a closed position, grasps and immobilizes the portion of the instrument passing substantially perpendicularly to the burr hole plane.

---